

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA

v.

DEKITA BASS

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NO. 3:13-cr-00145

MAGISTRATE JUDGE BRYANT

USMS

ORDER :

Motion granted.

*Bond review hearing
Scheduled for December
11, 2013, is canceled,*

*and ~~petition~~ petition for
action on conditions of
pretrial release (Doc. entry
No. 15) is dismissed.*

John Bryant,

GOVERNMENT'S RESPONSE TO
DEFENDANT'S MOTION TO CANCEL HEARING RE PRETRIAL RELEASE
AND
GOVERNMENT'S MOTION TO DISMISS REVOCATION PETITION

A hearing has been set on probation's petition to revoke defendant's pretrial release, which is based on allegations that she has violated conditions by using marijuana. Defendant contends that prior drug screens on which the petition relies reflected her use of marijuana prior to imposition of pretrial release conditions, and not after she became subject thereto.

Defendant has now filed a motion to cancel the hearing in this matter on grounds that her recent drug screens were negative for the presence of illicit drugs; that defendant is participating in a drug program at direction of probation; and that probation is therefore not seeking further action regarding this issue. Defendant accurately related that the government is in accord with that request.

In the government's view, whether or not defendant engaged in previous violations, the primary objective of the pretrial conditions regarding prohibition of drug use now appears to have been accomplished. That fact, coupled with the fact that the risk of defendant's non-appearance has not increased, would indicate that neither revocation of release, nor further modification of conditions of release, is called for. As such, a hearing and determination by the Court regarding whether defendant previously used marijuana, no longer appear necessary.